

Message Text

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ACTION ACDA-10

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TO SECSTATE WASHDC IMMEDIATE 0066

S E C R E T SECTION 1 OF 3 GENEVA 6685

E.O. 11652: GDS

TAGS: PARM

SUBJ: CCD: US-USSR WORKING GROUP ON RADIOLOGICAL WEAPONS/
MASS DESTRUCTION WEAPONS: ROUND TWO: FOURTH MEETING,
AUGUST 5, 1977 - MESSAGE NO. 8
REF: GENEVA 6646

1. SUMMARY: HEAD OF US DEL (FISHER) ADDRESSED SERIES OF
QUESTIONS TO SOVIET SIDE ON THE DRAFT RW AGREEMENT. HEAD
OF SOVIET DEL (LIKHACHEV) SAID THEY WOULD STUDY QUESTIONS
AND REPLY LATER. LIKHACHEV THEN GAVE BRIEF PREPARED
STATEMENT REASSERTING THEIR VIEW THAT COMPREHENSIVE
AGREEMENT TO PROHIBIT NEW WMD SHOULD BE SOUGHT. HE
SUMMARIZED THEIR POSITION AS CONSISTING OF THREE ELEMENTS:
CONCLUSION OF COMPREHENSIVE AGREEMENT ON NEW WMD WITH
SPECIFIC LIST OF NEW WMD PROHIBITED; POSSIBILITY TO
SUPPLEMENT LIST, AS WELL AS CONCLUDE SEPARATE AGREEMENTS
ON SINGLE WEAPONS; AND POSSIBILITY TO CONCLUDE SEPARATE
RW AGREEMENT. HE SAID THEY EXPECTED US TO EXAMINE THESE
CONSIDERATIONS ATTENTIVELY. SOVIET SENIOR EXPERT (FOKIN)
ASKED TWO QUESTIONS REGARDING US KEY ELEMENTS WITH
RESPECT TO RW. FISHER SAID US SIDE WOULD STUDY AND
REPLY LATER. END SUMMARY.

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2. HEAD OF US DEL (FISHER) ASKED SERIES OF QUESTION
REGARDING SOVIET RW DRAFT, EMPHASIZING THAT QUESTIONS
WERE PUT IN CONSTRUCTIVE SPIRIT. HE FIRST ASKED FIVE
QUESTIONS ABOUT ART II, THE DEFINITION ARTICLE.

(A) FISHER QUESTIONED WHY TERM "WEAPONS OF MASS

DESTRUCTION" WAS USED. THIS COULD IMPLY THAT NOT ALL WEAPONS PRODUCING RADIATION EFFECTS THROUGH RADIOACTIVE DECAY WERE PROHIBITED. HE SAID THAT THIS APPEARED AS AN UNNECESSARY QUALIFICATION AND NOTED THAT BW CONVENTION DID NOT INCLUDE SUCH QUALIFICATION.

(B) FISHER QUESTIONED PHRASE "OF NON-EXPLOSIVE TYPE". HE NOTED THAT IT MIGHT BE POSSIBLE FOR RW TO REPLY ON EXPLOSION OF CONVENTIONAL HIGH EXPLOSIVES TO DISPENSE RADIOACTIVE MATERIAL. HE ASKED IF MEANING INTENDED WAS "NON-NUCLEAR EXPLOSIVE TYPE".

(C) FISHER POINTED OUT THAT TEXT REFERRED TO "DESTRUCTIVE EFFECTS OF RADIATION," BUT DID NOT QUALIFY AS TO SOURCE OF RADIATION. HE NOTED THAT US AT FIRST MEETING HAD SIAD AGREEMENT SHOULD APPLY ONLY TO RADIOACTIVE MATERIALS THAT PRODUCE RADIOLOGICAL EFFECTS AS A RESULT OF RADIOACTIVE DECAY. HE INDICATED PREFERENCE FOR FORMULATION ALONG LINES SUGGESTED BY US SIDE.

(D) FISHER ASKED WHAT WAS MEANING OF PHRASE "AND TO THE MEANS OF ITS DELIVERY."

(E) FISHER SAID HIS FIFTH POINT RELATED TO POSSIBLE ROLE OF SPENT FUEL FROM REACTOR TO THIS AGREEMENT WHICH HE WOULD DEAL WITH IN COMMENTS ON
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ART I. HE EMPHASIZED THAT THE DEFINITION IN ART II WAS CRITICAL WITH RESPECT TO THE MEANING OF ART I.

RECOMMENDATION: FOLLOWING LANGUAGE WOULD SEEM TO SATISFY MOST OF THE CONCERNS WE SEE REGARDING ART II. WE WOULD PROPOSE TO SUGGEST IT IF SOVIET RESPONSES APPEAR TO MAKE THIS APPROPRIATE.

"FOR THE PURPOSE OF THIS CONVENTION, THE TERM "RADIOLOGICAL WEAPON" AS USED IN ARTICLE I MEANS A WEAPON, OTHER THAN A NUCLEAR EXPLOSIVE WEAPON, WHICH PRODUCES ITS DESTRUCTIVE EFFECTS BY RADIATION PRODUCED AS A RESULT OF THE RADIOACTIVE DECAY OF RADIOACTIVE MATERIALS, ALONG WITH EQUIPMENT OR DEVICES ESPECIALLY DESIGNED TO CONTAIN SUCH MATERIALS FOR DELIVERY."

3. TURING TO ART I FISHER NOTED THAT IT ENCOMPASSED BROADER SCOPE THAN THAT US HAD SUGGESTED AS ONE KEY ELEMENT OF RW TREATY. THIS WAS A POINT WHICH US DELEGATION WOULD HAVE TO GIVE FURTHER CONSIDERATION BEFORE OFFERING COMMENTS. HE SAID THE COMMENTS TODAY BORE ON REFERENCES NOT TO "STOCKPILE OR ACQUIRE IN ANY OTHER WAY," RADIO-

LOGICAL WEAPONS. US SIDE ASSUMED THAT SPENT FUEL OR WASTE PRODUCTS FROM REACTORS WOULD NOT BE COVERED BY AGREEMENT UNLESS THERE WAS AN INTENT OR INDICATION IT WAS TO BE APPLIED TO PROHIBITED WEAPONS PURPOSES; OTHERWISE AGREEMENT WOULD OUTLAW NUCLEAR POWER PROGRAM WITH RESULTANT WASTE ACCUMULATION AND IN ADDITION OUTLAW INTERNATIONAL TRANSFERS OF RADIOACTIVE WASTE. IF INSTRUCTIONS THAT HAVE BEEN REQUESTED ARE AVAILABLE, THIS POINT COULD BE SETTLED.

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4. FISHER SAID, AS RELATED POINT, THERE WAS SLIGHT DIFFERENCE BETWEEN ART IV AND US STATEMENT OF KEY ELEMENTS. ART IV IS MORE GENERAL, AND SOVIET SIDE IN EXPLANATION HAD SAID THERE SHOULD BE NO OVERLAP IN THE IAEA SAFEGUARD PROVISIONS. US UNDERSTOOD THAT PRIMARY PURPOSE OF SAFEGUARDS AND PROPOSED PHYSICAL SECURITY PROVISIONS WAS TO ASSURE THAT FISSILE MATERIAL WAS NOT LOST OR DIVERTED. IAEA SAFEGUARDS AND PROPOSED PHYSICAL SECURITY PROVISIONS ARE NOT DIRECTED TOWARD RADIOACTIVE MATERIALS NOT USEFUL FOR NUCLEAR WEAPONS. HE SAID THIS WAS A POINT REQUIRING FURTHER ANALYSIS BY BOTH SIDES.

COMMENT: ANALYSIS OF CURRENT AND PROJECTED STATUS IAEA SAFEGUARDS AND PROPOSED PHYSICAL SECURITY PROVISIONS AS THEY RELATE TO RADIOACTIVE WASTES OTHER THAN RECOVERABLE PLUTONIUM AND ENRICHED URANIUM WOULD BE HELPFUL.

5. WITH RESPECT TO ART III, FISHER ASKED WHAT SOVIETS MEANT BY PHRASE "APPLICABLE RULES OF INTERNATIONAL LAW."

6. FISHER SAID US WOULD OFFER COMMENTS ON ART V AT LATER TIME.

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COMMENT: THE VERIFICATION COMPONENT OF THE SOVIET RW DRAFT IS LIMITED TO THE PROVISIONS FOR COMPLAINT PROCEDURES IN ART V. IT SEEMS TO DEL THAT THIS IS SATISFACTORY IN VIEW OF THE FOLLOWING CONSIDERATIONS:

(A) ACTIVE INTEREST IN A RADIOLOGICAL WEAPON CAPABILITY IS NOT LIKELY TO ARISE IN A NUCLEAR WEAPON STATE IN VIEW OF THE CLEARLY SUPERIOR EFFECTIVENESS AND MANAGEABILITY OF NUCLEAR WEAPONS, AND

(B) US ABILITY TO KNOW ABOUT ACTIVITIES IN NON-NUCLEAR WEAPON STATES BY INDEPENDENT MEANS SHOULD BE ADEQUATE FOR THE PURPOSE OF THE AGREEMENT. IN ANY EVENT, CCD CAN BE EXPECTED TO RAISE QUESTIONS OF TRULY INTERNATIONAL CHARACTER OF COMPLAINT MACHINERY AND THIS A GOOD ITEM TO HAVE DISCUSSED CCD. END COMMENT.

7. FISHER NOTED THAT SOVIET SIDE HAD NOT INCLUDED STANDARD WITHDRAWAL CLAUSE BASED ON SUPREME NATIONAL INTEREST AND ASKED FOR REASONS.

8. FISHER QUESTIONED WHY THE SOVIET SIDE HAD NOT INCLUDED LANGUAGE STATING THAT NOTHING IN THE AGREEMENTS SHALL BE INTERPRETED AS IN ANY WAY LIMITING OR DETRACTING FROM THE OBLIGATIONS ASSUEMD BY ANY STATE UNDER THE GENEVA PROTOCOL OF 1925 OR ANY RULES OF INTERNATIONAL LAW APPLICABLE IN ARMED CONFLICT. HE NOTED THAT SILILAR PROVISION WAS TO BE FOUND IN BW CONVENTION. ADDITIONALLY, HE SUGGESTED THAT THERE MAY BE NEED FOR SIMILAR REFERENCE TO NPT SO AS TO AVOID ANY CLAIM THIS AGREEMENT WOULD SUPERSEDE THAT AGREEENT AS IT MIGHT APPLY TO RADIO-ACTIVE WASTE.

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9. TURNING TO PREAMBLE, FISHER QUESTIONED IN PARA 1, THE USE OF WORD "NEW" IN PHRASE "NEW MEANS OF WARFARE". HE ALSO EXPRESSED VIEW THAT PARA 3 DID NOT BELONG IN AGREEMENT. IT WAS CLARIFIED THAT, IN PARA 5, THE WORD "EFFECTIVE" SHOULD READ "EFFECTIVELY".

10 LIKHATCHEV SAID THEY HAD LISTENED WITH INTEREST AND WULD STUDY AND REPLY LATER. HE THEN READ PREPARED STATEMENT COMMENTING ON AUGUST 3 US STATMENT. HE SAID THEY HAD LISTENED WITH SATISFACTION TO US STATMENT THAT BOTH SIDES HAVE COMMON PURPOSE AND ULTIMATE OBJECTIVE. TO PREVENT DEVELOPMENT OF NEW MDW. SOVIET SIDE HAD ALSO NOTED REMARK THAT THE TWO SIDES WERE CLOSER TOGETHER REGARDING A DEFINITION OF NEW MDW. HE REITERATED EARLIER STATEMENT THEY HAD TAKEN INTO ACCOUNT TO MAXIMUM EXTENT OTHER VIEWS, BUT SAID IT WAS NECESSARY TO MODERNIZE 30-YEAR OLD DEFINITION. HE SAID WITH REFERENCE TO RW, IT WAS IRRELEVANT TO DISCUSS WHETHR RW WAS NEW OR OLD MDW.

1. WITH REFERENCE TO US VIEW THAT PRHIBITIONS ON SINGLE TYPE OF WEAPONS SHOULD BE CONSIDERED RATER THAN GENERAL PROHIBITION, LIKHATCHEV SAID THERE WAS NEED TO REALIZE SERIOUS ADVANTAGE OF COMPREHENSIVE AGREEMENT WHICH INCLUDED POSSIBILITY OF CONCLUDING SEPARATE AGREEMENT. THIS APPROACH, HE SAID, WOULD MAKE POSSIBLE ACHIEVEMENT OF A COMMON GOAL AND DISPLAY FLEXIBILITY. THE SOVIET POSITION, HE SAID, WAS AS FOLLOWS:

(A) CONCLUDE COMPREHENSIVE AGREEMENT ON NEW MDW WITH SPECIFIC LIST OF WEAPONS TYPES PROHIBITED;

(B) IT WOULD BE POSSIBLE TO SUPPLEMENT LIST IN ANNEX AS WELL AS CONCLUDE SEPARATE AGREEMENTS ON SPECIFIC OTHER WEAPONS;

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(C) IT WOULD BE POSSIBLE TO CONCLUDE SEPARATE RW AGREEMENT.

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12. LIKHATCHEV SAID THIS POSITION, COMBINING TWO APPROACHES, WOULD PROVIDE PROHIBITION ON NEW MDW AS WELL AS CLOSE THE PATH TO NEW MDW IN PRINCIPLE. HE SAID HE EXPECTED US TO GIVE ATTENTIVE EXAMINATION TO THIS VIEW.

COMMENT: WHILE SOV DEL PLAYING USUAL LINKAGE GAME AND UNDOUBTEDLY WILL CONTINUE TO PRESS BOTH IN INFORMALS AND PLENARY OF CCD FOR THEIR MDW POSITION, WE BELIEVE THEY HAVE PASSED POINT WHERE THEY CAN INSIST ON MDW TREATY AS PRECONDITION FOR RW TREATY. PROPOSE CONTINUE TO EXPLORE RW WHILE REITERATING POSITION ON MDW IN RELATIVELY LOW KEY.

13. LIKHATCHEV THEN INTRODUCED SOVIET SENIOR EXPERT FOKIN WHO ASKED TWO QUESTIONS REGARDING US KEY ELEMENTS. FOKIN FIRST ASKED WITH RESPECT TO STATEMENT, THAT EACH SIDE "TAKE APPROPRIATE MEASURES TO ASSURE THAT RADIOACTIVE MATERIALS THAT MIGHT BE USED AS RADIOLOGICAL WEAPONS ARE NOT LOST OR DIVERTED," WHAT WAS MEANT BY "LOST OR DIVERTED." NEXT, HE ASKED WHAT US MEANT WHEN SIAD THAT AGREEMENT WOULD NOT APPLY TO USE OF DEPLETED URANIUM IN CONVENTIONAL ARMS.

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14. FISHER SAID THE US SIDE WOULD STUDY THE QUESTIONS AND REPLY LATER.

15. NEXT MEETING IS SCHEDULED FOR 3:30 PM, AUGUST 8, AT SOVIET MISSION.

16. COMMENT: BELIEVE AREAS OF DIFFERENCE SUFFICIENTLY SMALL THAT MIGHT BE POSSIBLE TO WORK OUT AGREED DRAFT TEXT DURING THE WEEK OF AUGUST 8. WE WOULD THEN HAVE TO WORK ON PRESENTATIONAL PROBLEMS TO CCD BUT BELIEVE IT BEST TO FOCUS NOW ON AGREEMENT WITH SOVS AND DEAL WITH CCD ASPECT LATER. VANDEN HEUVEL

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Message Attributes

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